



Christin Gullatt, WTR-10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

JUL 26 2001

COPY

A. Brian Wallace  
Chairman  
Washoe Tribe of Nevada and California  
919 Highway 395 South  
Gardnerville, NV 89410

Re: CD-98985401-0  
WETLANDS PROTECTION DEVELOPMENT - WETLAND INVENTORY &  
ASSESSMENT OF WASHOE LANDS

Dear Chairman Wallace:

The United States Environmental Protection Agency (EPA) is pleased to approve your application for Federal assistance and offer financial support for the program described in the enclosed Agreement. You may refer to this Agreement for more detailed information regarding this award.

This Agreement is subject to Federal Regulations which have previously been furnished to you. The enclosed Agreement contains conditions which should be particularly noted prior to your acceptance. **If you wish to accept this offer, please sign and date both originals of the enclosed Agreement and return one original to the Grants Management Office, PMD-7, within three weeks of receipt.** A copy of this Agreement is being forwarded to your staff as noted below.



This Agreement identifies the EPA Project Officer and EPA Grant Specialist who will be working with your staff. If you or your staff have any questions of a programmatic nature, please contact your EPA Project Officer. Questions relating to administrative or fiscal matters should be directed to your EPA Grant Specialist.

Sincerely,

Alexis Strauss  
Director  
Water Division

Enclosures

cc: Keith Kircher, WTNC (w/attach)

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Cooperative Agreement</b>	ASSISTANCE ID NO.			DATE OF AWARD <b>JUL 19 2001</b>
		PRG	DOC ID	AMEND#	
		CD -	98985401	- 0	
		TYPE OF ACTION New			MAILING DATE <b>JUL 26 2001</b>
PAYMENT METHOD: Advance			ACH#		
RECIPIENT TYPE: Indian Tribe		Send Payment Request to: Grants Management Office, PMD-7			
RECIPIENT:		PAYEE:			
Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410 EIN: 88-0120754		Washoe Tribe of NV & CA 919 Highway 395 South Gardnerville, NV 89410			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST	
A. Brian Wallace 919 Highway 395 South Gardnerville, NV 89410 E-Mail: Phone: 775-265-4191		Kristin Gullatt 75 Hawthorne Street, WTR-10 San Francisco, CA 94105 E-Mail: gullatt.kristin@epa.gov Phone: 415-744-1937		GwenL Brown Grants Management Office, PMD-7 E-Mail: brown.gwenl@epa.gov Phone: 415-744-1697	
PROJECT TITLE AND DESCRIPTION Wetlands Protection Development - Inventory and Assessment of Washoe Lands					
This assistance agreement provides full EPA funding in the amount of \$98,000 for assessing conditions of existing wetlands within the Washoe Trust lands and Allotments.					
BUDGET PERIOD 07/25/2001 - 12/31/2002		PROJECT PERIOD 07/25/2001 - 12/31/2002		TOTAL BUDGET PERIOD COST \$130,667.00	
				TOTAL PROJECT PERIOD COST \$130,667.00	
<p><b>NOTE:</b> The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.</p>					
OFFER AND ACCEPTANCE					
<p>The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>Washoe Tribe of NV &amp; CA</u> for <u>75.00</u> % of all approved costs incurred up to and not exceeding <u>\$98,000</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>06/13/2001</u> included herein by reference.</p>					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS		
U.S. EPA, Region 9 Grants Management Office, PMD-7 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9 Water Division 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL 		TYPED NAME AND TITLE Alexis Strauss, Director - Water Division		DATE <b>JUL 19 2001</b>	
<p>This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.</p>					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE		DATE	
		A. Brian Wallace, Chairman			

## 4

CD - 98985401 - 0 Page 2

<b>FUNDS</b>	<b>FORMER AWARD</b>	<b>THIS ACTION</b>	<b>AMENDED TOTAL</b>
<b>EPA Amount This Action</b>	\$	\$ 98,000	\$ 98,000
<b>EPA In-Kind Amount</b>	\$	\$	\$ 0
<b>Unexpended Prior Year Balance</b>	\$	\$	\$ 0
<b>Other Federal Funds</b>	\$	\$	\$ 0
<b>Recipient Contribution</b>	\$	\$ 29,667	\$ 29,667
<b>State Contribution</b>	\$	\$	\$ 0
<b>Local Contribution</b>	\$	\$	\$ 0
<b>Other Contribution</b>	\$	\$ 3,000	\$ 3,000
<b>Allowable Project Cost</b>	\$ 0	\$ 130,667	\$ 130,667

<b>Assistance Program (CFDA) .</b>	<b>Statutory Authority</b>	<b>Regulatory Authority</b>
66.461 - Wetlands Protection State Development	Clean Water Act Section 104(b)(3)	40 CFR PART 31

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	W0E012	01	E1	09LA0D5	20202B07	4183	-	-	98,000
									98,000

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
1. Personnel	\$63,175
2. Fringe Benefits	\$16,009
3. Travel	\$7,355
4. Equipment	\$3,200
5. Supplies	\$11,180
6. Contractual	\$12,946
7. Construction	\$0
8. Other	\$4,480
9. Total Direct Charges	\$118,345
10. Indirect Costs: <u>15.10%</u> Base <u>81,604</u>	\$12,322
11. Total (Share: Recipient <u>25.00 %</u> Federal <u>75.00 %</u> .)	\$130,667
12. Total Approved Assistance Amount	\$98,000
13. Program Income	\$0

## Detailed Table B Budget Page: 1

<b>Table B - Program Element Classification (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
1. TABLE A, LINE 10 INDIRECT COST RATE	\$
2. of 15.1% is based on total direct less	\$
3. equipment and contractual. See	\$
4. Condition #5.	\$
5.	\$
6.	\$
7.	\$
8.	\$
9.	\$
10.	\$
11. Total (Share: Recip <u>25.00 %</u> Fed <u>75.00 %</u> )	\$
12. Total Approved Assistance Amount	\$

### **Administrative Conditions**

1. An interim Financial Status Report (FSR), Standard Form 269A (Rev. 7/97), covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the Grants Management Office, PMD-7, no later than December 31 of the same calendar year. **The initial FSR is due December 31, 2001.** The FSR covering the entire project period shall be submitted within 90 days after the end of the project period (40 CFR Part 31.23(b)).
2. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
3. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

4. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
  - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
  - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
  - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;
  - d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;
  - e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and
  - f. If the prime contractor awards contracts/procurements, require the contractor to

take the affirmative steps in subparagraphs a. through e. of this condition.

5. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost proposal is submitted and received by the Department of Interior (DOI) within six months after the close of the recipient's fiscal year. After DOI has received the indirect cost proposal, indirect costs authorized in this award may be reimbursed in accordance with the lower of either the last approved Negotiated Indirect Cost Rate Agreement (ICA) or the proposed rate until DOI approves the new indirect cost rate.

6. **As of May 15, 2001, the following new term & condition is applicable to all assistance agreements:**

*"In accordance with OMB Circular A-87, the recipient agrees that it will not use project funds, including the Federal and non-Federal share, to engage in lobbying the Federal Government or in litigation against the United States. The recipient also agrees to provide the information mandated by EPA's annual appropriations acts for fiscal year 2000 and fiscal year 2001 (PL 106-74, §426 and PL 106-377, §424 respectively) which require as follows: 'A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.' The recipient may satisfy this certification requirement in any reasonable manner. The certification must be submitted to EPA after all grant funds have been expended".*

7. Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

8. Effective October 1, 1994, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the Hotel and Motel Fire Safety Act of 1990.

9. This award includes \$3,000 of non-federal third party contributions. Third party contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantees. As applicable, these records must reflect how the value is placed on third party contributions. The value of third party contributions must be applicable to the period to which the cost sharing or matching requirement apply (**40 CFR Part 31.24**).

10. This program grant includes the performance of environmental measurements. However, the Region 9 QA Office has determined that the preparation of a Quality Management Plan (QMP) can be deferred. However, a Quality Assurance Project Plan (QAPP) must be developed for the activities planned. The EPA guidance documents, "EPA Region 9 Requirements for Quality Assurance Program Plans" (R9QA/03.1, March, 2000), "EPA Requirements for Quality Assurance Project Plans," (EPA QA/R-5, Interim Final, November, 1999), and Guidance for Quality Assurance Project Plans

(EPA QA/G-5, February, 1998) or any guidance that supersedes these documents and should be used when preparing the QAPP. The QAPP must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Manager before measurement activities are undertaken. Emergency measurements may be taken without a QAPP being prepared if the activity is approved by the Region 9 Quality Assurance Manager.

11. The recipient shall submit quarterly progress reports to the EPA Project Officer within 30 calendar days after the end of each Federal fiscal quarter (January 30, April 30, July 30, and October 30). These reports should include a discussion of the activities conducted during the quarter and progress towards milestones, problems encountered and their resolution, and activities planned for the next quarter. In addition, quarterly reports should identify any special EPA assistance needed, as well as provide a financial accounting of costs incurred during the quarter and cumulative project costs by task.

12. Within 90 days of the end of the project period, the recipient must submit a final report documenting project activities over the entire project period and the recipient's achievements with respect to the project's purposes and objectives.

##### END OF DOCUMENT #####





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

APR 1 5 2004

Marie Barry  
Environmental Programs Director  
Washoe Tribe of Nevada and California  
919 Highway 395 South  
Gardnerville, NV 89410

Subject: End-of-Year Programmatic Review Report for Clean Water Act §104(b)(3) -  
Wetlands Development Program Grant [CD-98985401]

Dear Ms. Barry:

EPA has conducted a review of Washoe Tribe of Nevada and California's performance under the CWA §104(b)(3) - Wetlands Development Program Grant specifically known as the Wetlands Protection Development - Inventory and Assessment of Washoe Lands based on the quarterly reports and final report submitted. The report containing EPA's findings including the successes is enclosed for your review.

Please contact me if you have any questions or comments regarding the attached report.

Sincerely,

A handwritten signature in cursive script that reads "Tiffany Eastman".

Tiffany Eastman  
Project Officer  
Tribal Water Office, WTR-10

Enclosure - 1

cc: John Warpeha, Washoe Environmental Department, Washoe Tribe  
Gwen Brown, Grants Specialist, PMD-7, EPA



## **END-OF-YEAR PROGRAMMATIC REVIEW REPORT**

Grant ID: CD-98985401-2  
Recipient: Washoe Tribe of Nevada and California

### **I. INTRODUCTION**

A Clean Water Act (CWA) §104(b)(3) - Wetlands Development Program Grant specifically known as the Wetlands Protection Development - Inventory and Assessment of Washoe Lands was awarded to the Washoe Tribe of Nevada and California in July 2001 in the amount of \$98,000 with a recipient match of \$32,667 for a total of \$130,667 for the project and budget period of 7/25/2001 to 12/31/2003.

Washoe Tribe was committed to complete five major tasks in its CWA §104(b)(3) grant workplan:

1. Program Administration;
2. Wetlands Inventory and Assessment Map;
3. Quality Assurance Project Plan;
4. Watershed/Wetland Assessment; and
5. Wetland/Watershed Planning and Regulations.

### **II. CURRENT FINDINGS**

1. All equipment (laptop and portable printer) purchased under this award were properly managed and accounted for.
2. All tasks and deliverables were completed in a timely manner and submitted to EPA.
3. The final FSR was received at EPA on March 31, 2004 and it showed an unobligated balance of Federal funds in the amount of \$2,689.36. According to Marie Barry, via email on April 14, 2004, there are funds remaining in this grant due to changes in the indirect cost rate and the money could not be drawn down. The unobligated balance will be deobligated upon close-out of this grant.
4. All programmatic terms and conditions were met. The Quality Assurance Project Plan (QAPP) was developed and approved by EPA.
5. All programmatic statutory and regulatory requirements were met.

### **III. SUCCESSES**

All deliverables submitted to EPA under this grant were well done. Under the budget and project period of this award, the following activities were completed:

1. Program Administration:
  - I. All quarterly progress reports and the final report were submitted to EPA in a timely manner.
  - II. Attended multiple trainings.
  - III. Purchased office and field supplies.
2. Wetlands Inventory and Assessment Map:
  - I. Completed GIS layer of photos and classifications.
  - II. Completed maps of inventoried wetland boundaries.
  - III. Identified potential enhancement areas.
  - IV. Completed photos of monitoring plots and photo points.
  - V. Completed all fieldwork.

3. Quality Assurance Project Plan:
  - I. The QAPP was developed and approved by EPA on November 26, 2002.
  - II. The QAPP was amended and approved by EPA on May 30, 2003.
4. Watershed/Wetland Assessment:
  - I. Identified areas to be assessed.
  - II. Performed assessments of watersheds/wetlands.
  - III. Developed report on assessment with recommendation for changes in measurement and identified additional monitoring needs.
  - IV. Established photo and vegetation monitoring plots.
  - V. Conducted wetland vegetation survey.
  - VI. Analyzed data and developed report from wetland vegetation surveys and PFC assessments.
  - VII. Developed a monitoring handbook which was well done.
5. Wetland/Watershed Planning and Regulations:
  - I. Developed power point presentation for the Tribal Council and the WDE board.
  - II. Amended the Washoe Comprehensive Land Use Plan which was approved by the Washoe Tribal Council.

#### **IV. RECOMMENDATIONS**

No recommendations are given at this time as the Tribe has done an excellent job programmatically in its CWA §104(b)(3) - Wetlands Protection Development Program grant.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

APR 11 2003

Marie Barry  
Environmental Director  
Washoe Tribe of Nevada and California  
919 Highway 395 South  
Gardnerville, NV 89410

Subject: EPA's Evaluation of the Washoe Tribe of NV and CA's FY02 Wetlands Program Development, CWA §104(b)(3) Grant (CD-98985401-1)

Dear Ms. Barry:

EPA has completed a review of the Washoe Tribe of NV and CA's progress under the CWA §104(b)(3), Wetlands Program Development (CD-98985401-1), for the budget and project periods of 7/25/01 - 8/31/03 through the review of quarterly reports and deliverables.

**Workplan Commitments**

The activities to which Washoe Tribe agreed to conduct under this award included:

1. Program Administration;
2. Develop a Wetlands Inventory Map and Conduct Assessment Activities;
3. Develop a Quality Assurance Project Plan (QAPP);
4. Conduct Watershed/Wetland Assessment Activities for the WWI and Development of the Monitoring Handbook;
5. Amend and Improve the Wetland/Watershed Planning and Regulations.

**Status of Tasks**

1. *Program Administration*

All quarterly reports have been submitted in a timely manner to EPA. The next quarterly report is due within thirty days of March 31, 2003. Staff has been attending numerous training courses on an ongoing basis.

2. *Wetlands Inventory and Assessment Map*

The development of a GIS layer of aerial photos and classifications by the GIS Technician is currently ongoing. The deliverable was not completed and submitted with the September 30, 2002 quarterly report and will be completed as soon as the needed information is available. The map of wetland boundaries which identified potential enhancement areas has not been fully completed because there have been problems locating maps that identify wetlands in the Pine Nut Range. The assessment findings covering forty-four wetland/riparian areas were discussed in the "Wetlands Inventory and Assessment for Washoe Trust Lands and Allotments," "Wetland Summary Report," and the "Draft Executive Summary - Project Update" deliverables submitted to EPA on December 31, 2002. The activities under this task are ongoing and the final report to be submitted in August 2003 will discuss any additional wetland/riparian areas assessed. The deliverables submitted for this task have been well done.

3. *Develop a Quality Assurance Project Plan (QAPP)*

The QAPP was developed and submitted to EPA on July 9, 2002. The QAPP was conditionally

approved by EPA on September 18, 2002. EPA understands that the delays in the approval of the QAPP have led to a delay in the tasks related to the assessment and monitoring of wetlands on tribal lands.

4. *Watershed/Wetland Assessment*

Most of the activities under this task are ongoing. A work schedule had been finalized and a list of wetland/riparian areas have been identified. A draft "Washoe Wetlands Monitoring Handbook" has been completed and was submitted to EPA on December 31, 2002. The handbook was very informative and well done.

5. *Wetland/Watershed Planning and Regulations*

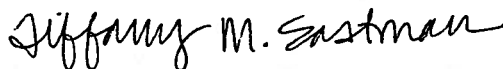
Most of the activities under this task are ongoing. However, it is unknown if a powerpoint presentation has been developed, presented, and if copies were submitted to the Tribal Council, the WDE Board, and EPA. The tasks leading to an amended Washoe Comprehensive Land Use Plan are currently ongoing. The final status report for this specific activity is not due to EPA until August 31, 2003.

EPA awarded \$98,000 of Federal funds to accomplish the workplan commitment tasks. According to EPA records, as of April 11, 2003, \$56,992.16 of unobligated Federal funds remain.

Review of EPA's five core areas of grant performance show that the recipient is performing satisfactorily in all five areas: properly managed equipment, workplan progress, sufficient funds to complete the project, complying with all programmatic terms and conditions, and complying with all programmatic and statutory requirements.

Overall, the Washoe Tribe has shown excellent progress over the past two years in its Wetlands Protection Program Grant. If you have any questions regarding EPA's findings, please do not hesitate to contact me at (415) 972-3404 through the relay at 711.

Sincerely,



Tiffany M. Eastman  
Project Officer

cc: A. Brian Wallace, Chairman, Washoe Tribe of NV and CA  
Gwen Brown, Grants Specialist, EPA, PMD-7